

# Notice of Allowability

Application No.

09/261,197

Examiner

Roberta A. Shand

Applicant(s)

MCBRIDE, BRIAN E.

Art Unit

2665

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed April 18, 2005.
2. ☒ The allowed claim(s) is/are 1, 3-10, 12, 13, 15-37, 39, 40, and 43-50 renumbered 1-44.
3. ☒ The drawings filed on 15 August 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                               |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>6-27-05</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                       |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                      |
|   | 9. <input type="checkbox"/> Other _____   |

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Robert Nakamo on Friday, June 24, 2005.
3. The application has been amended as follows: +

Claim 1, line 9, "said plurality of" has been replaced with --said plurality of traffic streams has a phase delay determined from a length of a buffer associated with said one traffic stream and --.

Claim 6, line 6, "of at least one of" has been replaced with -- of at least one stream of--.

Claim 6, line 8 "traffic pattern" has been replaced with -- traffic pattern and has a phase delay determined by at least a length of a buffer associated with said at least one stream--.

Claim 8, line 7, "buffer length" has been replaced with --buffer length, such that the phase delay is determined from a ratio utilizing the length of said buffer associated with at least one of said plurality of traffic streams--.

Art Unit: 2665

Claim 10, line 5, “of at least one of” has been replaced with – of at least one stream of--.

Claim 10, line 6, “wherein said phase delay is determined from a ratio utilizing a buffer length and” has been replaced with --; said phase delay is determined from a ratio utilizing a buffer length associated with at least one stream;

Claim 13, line 1, “Apparatus” has been replaced with –An apparatus—

Claim 13, line 7, “means for transmitting” has been replaced with –a phase delay module providing—

Claim 13, line 7, “streams,” has been replaced with --streams utilizing a series of buffers,--

Claim 13, line 8, “of at least one of” has been replaced with – of at least one traffic stream of--.

Claim 13, line 8, “streams” has been replaced with – streams is provided with a phase delay based on a length of a buffer of said buffers associated with said at least one traffic stream and--.

Claim 18, line 4, “means for” has been replaced with –traffic manager--

Claim 18, line 5, “phase delay” has been replaced with –phase delay being determined from a length of a buffer associated with said one stream--.

Claim 19, line 2, “said means for providing a plurality of streams determines said phase delay from a ratio utilizing a size of a buffer associated with said each stream and

Art Unit: 2665

said transmission rate” has been replaced with –said phase delay is determined from a ratio utilizing said length of said buffer associated with said each stream and said transmission rate--.

Claim 20, line 3, “means for” has been replaced with --a traffic generating module—

Claim 20, line 5, “means for” has been replaced with --a traffic manager--

Claim 22, line 4, “broadcasting means for replicating” has been replaced with –a traffic replicator to replicate--.

Claim 22, line 9, “delay means for introducing”, has been replaced with –a delay module providing—

Claim 22, line 12, “stream” has been replaced with –stream has a phase delay determined from a length of a buffer associated with at least one stream and--.

Claim 23, line 2, “means for introducing” has been replaced with –an idle block generator for introducing--.

Claim 24, line 1, “means” has been replaced with –module--.

Claim 25, line 1, “means” has been replaced with –module--.

Claim 26, line 2, “means” has been replaced with –module--.

Art Unit: 2665

Claim 33, line 8, “processing means” has been replaced with –a traffic processor—

Claim 33, line 8, “for establishing” has been replaced with –providing--.

Claim 33, line 13, “scheduling means for forwarding ” has been replaced with –a scheduler to forward—

Claim 33, line 16, “port” has been replaced with –port and a phase delay associated with said transmission of said data blocks is determined from at least a length of said logical buffer--.

Claim 39, line 2, “means” has been replaced with –an idle traffic generator--.

Claim 44, line 5, “broadcast means” has been replaced with –broadcaster--.

Claim 44, line 8, “delay means” has been replaced with –a delay module--.

Claim 44, line 9, “of at least one of” has been replaced with –of at least one stream of--.

Claim 44, line 11, “stream” has been replaced with –stream and has a phase delay determined by at least a length of a buffer associated with said at least one stream--.

Claim 45, line 8, “processing means” has been replaced with –a traffic processor--

Claim 45, line 8, “for establishing” has been replaced with –providing--.

Claim 45, line 13, “scheduling means” has been replaced with –a scheduler--

Art Unit: 2665

Claim 45, line 16, “blocks” has been replaced with –blocks and said transmission has a phase delay determined by at least a length of said logical buffer--.

Claim 46, line 2, “means for introducing” has been replaced with –an idle block generator to introduce--.

Claim 47, line 2, “a buffer length and said transmission rate” has been replaced with –said length of said buffer and said transmission rate--.

Claim 48, line 2, “determined from a” has been replaced with –determined from a length of--.

Claim 49, line 3, “determined from a buffer length” has been replaced with –determined from said length of said buffer--.

***Allowable Subject Matter***

4. The following is an examiner’s statement of reasons for allowance: the prior art does not teach, or fairly suggest a method and apparatus for generating digital traffic for use in testing a multi-port communications device comprising: generating a reference pattern defining the digital traffic pattern; generating a plurality of traffic streams replicated from the reference pattern, wherein the plurality of traffic streams are used for loading respective input ports of the communications device; and introducing a plurality of phase delays among the plurality of traffic streams when compared to the reference

Art Unit: 2665

digital traffic pattern, such that transmission of one traffic stream has a phase delay determined from a length of a buffer associated with said one traffic stream and begins at a time between boundaries of time units of a transmission rate associated with the one traffic stream, as recited in independent claims 1, 6, 8, 10, 13, 18, 20, 22, 33, 44, 45 and 50.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2665

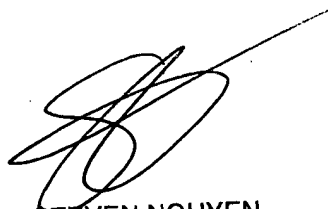
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand  
Examiner  
Art Unit 2665



STEVEN NGUYEN  
PRIMARY EXAMINER